



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-N

May 5, 2008

Carole Hamilton, Forest Supervisor  
Bridger-Teton National Forest  
340 N. Cache, P.O. Box 1888  
Jackson, WY 83001

RE: DEIS Wyoming Game and Fish Commission  
Elk Management Activities on Bridger-Teton  
National Forest CEQ 20080091

Dear Ms. Hamilton,

In accordance with EPA's responsibilities under the National Environmental Policy Act (NEPA) 42 U.S.C. Section 4332(2)(C), and our authorities under Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the subject Draft Environmental Impact Statement (EIS).

The Draft EIS was prepared to analyze potential impacts of the proposed action, which would continue special use authorization for Wyoming Game and Fish Commission (WGFC) to use identified lands within Bridger-Teton National Forest (BTNF) as feedgrounds for the WGFC's winter elk management programs. EPA submitted scoping comments on August 29, 2007, to identify environmental issues of concern for evaluation in the Draft EIS. We appreciate the BTNF's consideration of EPA's scoping comments in preparation of this document.. Most of the issues that EPA identified for evaluation in the Draft EIS have been addressed in sufficient detail. EPA identified protection of water quality as one of the primary issues of concern for the proposed action. EPA has remaining concerns identified in the following comments that should be addressed in the Final EIS.

1. The Draft EIS states that water quality would be affected by stream bank damage, erosion, and sedimentation in all alternatives (Draft EIS, page 88). Several specific examples are provided throughout the document in narrative and photographs of existing stream bank erosion, and resulting water quality degradation, impacting Fall Creek, Gros Ventre River, Fish Creek, and Muddy Creek. The document partially attributes these impacts to elk and cattle grazing. The Draft EIS provides specific mitigation and monitoring proposals on pages 21-22, including identification of stream crossing locations to reduce stream bank damage, that offer a good basis for avoiding impacts. The Final EIS should describe in more detail the mitigation and monitoring efforts designed to minimize or reduce water quality impacts.

2. In the scoping comments, EPA requested that the Draft EIS provide water quality data within each project area and water quality monitoring information. The Draft EIS documents on page 44 that the project area contains no 303(d) listed streams, where water quality is either impaired or threatened as determined by the Wyoming Department of Environmental Quality (WDEQ). Also, the Draft EIS states that no municipal watersheds are located in the feedground areas. It is noted that water quality data used for analysis in this document was collected by Sublette County Conservation District. EPA requests that the referenced water quality data be summarized in the Final EIS for notable watersheds in each feedground to establish the project's existing conditions. Also, please provide water quality monitoring frequency, a list of parameters, and WDEQ standards for the parameters used for this analysis.
3. The Draft EIS notes on page 65 that the elk feedgrounds are located in two major drainages, the upper Snake River drainage of the Columbia River and the Upper Green River drainage of the Colorado River. Both river basins contain cutthroat trout species classified as game species and Species of Concern by the Wyoming Game and Fish Department. The document states that the Proposed Action, Alternative 3, of continuing winter elk management would impact fisheries in the Green River drainage. A proposed mitigation measure regarding stream crossing locations is intended to reduce, but not eliminate, this impact. Given the importance of the fisheries resource, the Final EIS should consider additional mitigation measures to further reduce potential impacts.

Pursuant to EPA policy and guidance, EPA rates the environmental impact of an action and the adequacy of the NEPA analysis. EPA has rated the proposed action as "EC-2" under EPA's rating criteria. The "EC" rating means that our review identified environmental impacts that should be avoided to fully protect the environment (Environmental Concerns, or "EC"). The EC rating is based on EPA's concerns regarding potential impacts to water quality. The overall level of analysis of "2" (Insufficient Information) indicates that the draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment. An explanation of the rating criteria is enclosed.

If you have questions regarding EPA's comments, please contact me at (303) 312-6004 or Larry Kimmel, EIS project manager, at (303) 312-6659.

Sincerely,

/s/ James Hanley  
for Larry Svoboda  
Director, NEPA Program  
Office of Ecosystems Protection and Remediation

Enclosure



## U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

### Definitions and Follow-Up Action\*

#### Environmental Impact of the Action

**LO -- Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC -- Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO -- Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU -- Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

#### Adequacy of the Impact Statement

**Category 1 -- Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 -- Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 -- Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.